

PK4654USW

Remarks

Claims 1-14, 16-27, 29-40, 42-52, 54, and 60 are pending.

In the Restriction Requirement mailed November 7, 2005, the Examiner notes that claims 1-60 are pending. Claims 1-60, as originally filed, should have been replaced by the claims submitted in the preliminary amendment filed on September 7, 2004. Thus, Applicants believe the Examiner misstated the pending claims in the present case.

In response to the Restriction Requirement, Applicants traverse the restriction and request reconsideration.

The M.P.E.P. defines "independent" to mean that no disclosed relationship exists between the multiple subjects claimed. In other words, the claimed inventions lack any commonality in "design, operation, or effect." M.P.E.P. § 802.01. In the present case, as evidenced by the restriction itself, claims 1-14 present a unified genus that encompasses each of the groups outlined in the restriction.

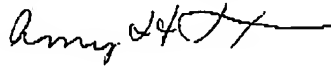
Nevertheless, in order to advance prosecution, Applicants provisionally elect Group IV, claims 1-14 for examination. Applicants note the species listed in claim 14, with an election of Example 16.

PK4654USW

Based upon the foregoing, Applicants believe no restriction is needed.

Applicants have, however, identified a provisional election in order to further prosecution should the Examiner continue the restriction requirement. If the Examiner has any matter remaining for resolution, please telephone the undersigned for expeditious handling.

Respectfully submitted,



Amy H. Fix  
Attorney for Applicant  
Registration No. 42,616

Date: Dec. 7, 2005  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive  
P.O. Box 13398  
Research Triangle Park, NC 27709-3398  
Phone: 919-483-8911  
Facsimile: 919-483-7988

Doc Code:

PTO/SB/97 (03-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Office

on 12/7/05  
Date

Allyson K. Jacobs  
Signature

Allyson K. Jacobs

Typed or printed name of person signing Certificate

Registration Number, if applicable

919-483-9105

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.